



Londonderry Conservation Commission  
Tuesday, October 13, 2020  
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Bob Maxwell, member; Mike Byerly,  
2 member; Deb Lievens, member; Mike Speltz, alternate member; Susan Malouin, alternate member and  
3 Jocelyn Demas, alternate member

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5 **Absent:** Richard Floyd, member; and Mike Noone, member

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7 **Also present:** Amy Kizak, GIS Manager/Comprehensive Planner; and Beth Morrison, Recording  
8 Secretary

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10 Marge Badois called the meeting to order at 7:30 pm with a roll call vote. M Badois appointed J Demas  
11 to vote for R Floyd and S Malouin to vote for M Noone

12 **DRC – Sheffield Estates Elderly Housing Site Plan – Map 7, Lot 105 – 8 Gilcrest Rd:** Chris Guida,  
13 certified wetland and soil scientist from Fieldstone Consultants, PLLC, 206 Elm Street, Milford, NH,  
14 introduced himself to the Commission. C Guida told the Commission the proposed project is for 45  
15 elderly housing units on a parcel of land that will have impact to the buffer area of the Conservation  
16 Overlay District (COD) to Beaver Brook. He reviewed the plans with the Commission noting that the  
17 main stormwater treatment area is in the northeast portion of the site, which is in Derry, NH, pointing  
18 out the impacted area along with the drainage line that runs through the site. He pointed out another  
19 line running through the development that is for outflow discharge for extreme storm events because  
20 there is a surcharge coming out of the drainage area due to the flat topography of the site. He said that  
21 the only low enough portion of the site for drainage is along the edge that is has the buffer. He noted  
22 that the site is an old gravel pit with a lot of sand left in there making the soils excessively drained . He  
23 stated that the land has been disturbed, almost 100%, by the previous owners as it was a storage area  
24 for Audley Construction for a number of years. He went on to note that the site is devoid of vegetation  
25 and stated the vegetation along the immediate brook is not well established. He explained that it is  
26 mostly a restoration area for the area of buffer disturbance. He commented that the area of  
27 disturbance is actually a loam pile that was left from the previous owners and they are proposing to  
28 remove the loam bringing the buffer back to a useable buffer area. He said that would account for some  
29 minor regrading to allow for proper drainage along with the proper outlet for the discharge pipe. He  
30 added that the impact for the loam pile is 7,338 SF, which will be removed and replanted. He mentioned  
31 that sheet 11 of the plan set shows the plantings. He stated that the area of impact outside of the loam  
32 pile is 2,658 SF, which will also be restored and vegetated to function as a buffer area. He pointed out  
33 another area of 523 SF of disturbance, which came about because the Fire Department was adamant  
34 about having a secondary access for safety purposes. He informed the Commission that they have not  
35 formally submitted the Conditional Use Permit (CUP) as they wanted the Commission’s comments and  
36 input. M Badois asked if there would be walking trails in the development. C Guida replied that there are  
37 some areas for trails and pointed them out on the plan. M Badois asked if this area would be mowed. C



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38 Guida replied that it would not stating it would all be left natural with the exception of a small trail. D  
39 Lievens asked what the age group is for this development. C Guida answered that it would be 55 and  
40 older. M Byerly asked what the surface of the trails would be. C Guida responded that he was not sure if  
41 this had been determined and was open to suggestions from the Commission asking if they would like a  
42 woodchip trail. He added that he was not sure if there would be handicap accessible trails and would get  
43 an answer for the Commission. M Byerly commented that it appears the trail was in the 100-foot buffer  
44 for the COD, so it could not be paved and should be pervious. C Guida agreed. D Lievens asked for the  
45 length of the walking trail on the outside of the property. C Guida gave his best guess estimate stating  
46 he thought about 2,000 feet total with 800 feet in the buffer. M Speltz commented that it is nice to have  
47 a trail that runs along the brook, but unfortunately this increases the chance of sediment going into the  
48 brook. He recommended the developer follow best management practices for trail building. He added  
49 that if they would like to have a handicap portion, he would build a compacted path that leads from the  
50 middle of the dirt pile to the loop of the brook terminating in an observation platform, which would  
51 allow a minimal amount of compacted material along the brook. C Guida agreed. M Speltz asked if there  
52 was any recontouring in the area of the dirt pile. C Guida replied that was correct to allow the drainage  
53 to flow correctly. G Harrington mentioned that it looks like they are proposing to plant grass in the  
54 buffer, but stated that turf is not allowed in the buffer. C Guida stated that it does not have to be grass,  
55 but could be a conservation mix that is not mowed all the time. G Harrington remarked that it should  
56 not be mowed at all and there should be no lawn care products applied in the buffer. C Guida replied  
57 that he agreed and understood, but there might be a need for maintenance at some point in this area,  
58 such as the removal of invasive species. He added that this is not proposed to be a maintained lawn that  
59 is cut and fertilized every week. M Speltz commented that he read the stormwater system maintenance  
60 plan and noted that it requires mowing of the stormwater features. C Guida said that he did not  
61 remember reading that, but will talk to the project engineer about this to make sure this is not the case.  
62 He reviewed sheet 11 of the plan set regarding the proposed plantings. D Lievens asked if the river birch  
63 was going to be planted where it is wet, as it is a tree that likes to have wet feet. C Guida responded that  
64 it is not wet in that area, but certainly could be replaced by another birch. M Badois mentioned that  
65 building #6 is very close to the buffer and could cause problems when the owners find out they cannot  
66 mow because of the buffer. She went on to say that they might want to eliminate half of that building or  
67 change the direction that it is entered. C Guida remarked that he would relay these comments to the  
68 project engineer, as he is not the project engineer and is not aware of all the details. M Badois told him  
69 that there have been other developments like this with houses right up to the buffer that create a  
70 plethora of problems. M Byerly said that buffer signs are required to be placed along the perimeter and  
71 is not very attractive for someone's backyard. M Speltz stated that he thought there was a bigger  
72 problem with building #7 and part of building #8, because if they were not there, would it be possible to  
73 put the swale out of the buffer. C Guida replied that he did not believe that was correct and reviewed  
74 the topography. M Speltz remarked that he thought the swale was in the location because of the  
75 drainage that is generated from the impervious surface. C Guida stated that there is a small area that  
76 drains a certain way, but would pass this along to the project engineer. M Speltz commented that if you  
77 do not put any impervious surface in that area, then you would not need the swale. C Guida asked if he



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78 would like to remove building #7 altogether. M Speltz replied that he was hoping they could move the  
79 swale out of the buffer, to the east or southeast, but if that cannot be accomplished then remove  
80 building #7 and Brookfield Way. He mentioned that when they do formally submit the CUP, they will  
81 have a trouble meeting the criteria that it is not done for economic advantage alone. C Guida said that  
82 there has to be some financial break even point for the developer. He wondered what the advantage to  
83 the buffer would be if the swale was not there. M Badois stated that if the swale was not there, it would  
84 not have to be maintained. C Guida agreed noting that the maintenance would be minimal. M Speltz  
85 asked for a detailed account of the surcharge they are expecting from the eastern basin. C Guida  
86 responded that he did not know the exact number off the top of his head and it would be in the  
87 drainage report. M Speltz commented that it was in the material the Commission received, but he could  
88 not figure out at what point the water would start flowing to the west. C Guida expressed his opinion,  
89 that he thought it was going to be a rare event, but would get this information to him. M Speltz asked if  
90 this was a conceptual discussion or if the Commission was approving a CUP. A Kizak said that it was  
91 design review comments on the plans this evening and no CUP yet. D Lievens mentioned that the more  
92 she looks at the plan, she is noting the buffer is being used for drainage, which is not how the buffer  
93 should be used. C Guida remarked that this area is already disturbed and will be restored. D Lievens said  
94 that the clubhouse looks close to the buffer as well. C Guida replied that he believed this was a  
95 permitted use in the buffer. D Lievens stated that she is concerned about what will happen for the  
96 management of the green areas around the clubhouse. C Guida answered that perhaps they could find  
97 another spot for the clubhouse and will look into this. G Harrington asked if the drainage area, which is  
98 technically in Derry, meets the requirements for drainage in Londonderry. C Guida responded that it  
99 does. G Harrington pointed out that there are walkways going through the limited common area of  
100 building #6 as well as the entire swale between unit #7 and unit #8 in the limited common area. He said  
101 that he does not understand how they can ask it to be limited if it is to be maintained as the drainage  
102 swale. C Guida replied that the pipe would be underground and they would have drainage easements or  
103 covenants. G Harrington expressed his opinion that he felt they were putting too much into a small area.  
104 C Guida responded that he understood and would make sure that they had answers to the questions for  
105 the Commission. The Commissioners commented that they would like to see the swale removed from  
106 the buffer, no turf maintained in the buffer, community gazebo should be moved so it is not encroaching  
107 into the buffer, building #6 should not be as close to the buffer to avoid creating a problem with the  
108 backyard, recommend that if any of the proposed trails are built out of compacted material for the  
109 purpose of disabled persons that the compacted material is still pervious and limited to the east side of  
110 Sheffield Way, the trail that is to be constructed along the brook should be constructed using best  
111 management practices for trail building in a way that minimizes any likelihood that sediment from the  
112 trail will migrate into the brook and noted that Beaver Brook is one of the prized perennial streams and  
113 want to take every precaution to maintain the water quality of the stream.

114 **DRC Update – Cross Farm Phase 4, 5, & 6 – Map 6, Lot 59-1 – 200 Nashua Rd** – Jack Szemplinski, John  
115 Kalantzakos, Joe Maynard, and Rick Welch introduced themselves to the Commission. S Malouin  
116 recused herself for the discussion. J Kalantzakos told the Commission that they have made significant



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117 changes to the plan that the Commission viewed months ago and believes they have addressed all the  
118 comments. He commented that they submitted a detailed response letter regarding all the DRC  
119 comments as well as the CUP. He pointed out that all units have a minimum of 10 feet of turf space to  
120 any tree line or buffer and all the septic fields are away from the buffer, noting that there are 71 units  
121 that are greater than 50-feet away. He added that they eliminated units, took out a cul-de-sac of  
122 pavement, reduced buffer impact by 13,580 SF, committed to the use of a green-pro state certified  
123 applicator of salts for the plowing and fertilizer with no phosphorus. He remarked that they feel the  
124 comments about economic advantage being the only reason they crossed in area 5, is not the sole  
125 reason for crossing there as there are multiple reasons. He noted that in 2018 they had many meetings  
126 at the state stating there was a collaboration between New Hampshire Department of Environmental  
127 Services (NHDES), Alteration of Terrain (AOT), New Hampshire Fish & Game, Army CORPS and the  
128 Commission regarding the location of the crossing. He said that the end result for the crossing was a  
129 much less productive wetland. M Badois asked if the commitment to use green-pro and fertilizer  
130 without phosphate would be in the condominium documents. J Kalantzakos replied that the  
131 condominium documents are already written and would need a vote of 67% of the unit owners to pass  
132 an addendum that would be recorded, which he thought would be hard to do. He suggested that they  
133 could put this on their site plan, which would memorialize it. M Speltz asked if it was in the storm water  
134 management plan. J Szemplinski replied that it would be. G Harrington asked if the Commission could  
135 look at the CUP application. J Szemplinski reviewed the CUP submission from July with the Commission.  
136 M Speltz asked for the plans to be shown. J Szemplinski reviewed the plans on the screen with the  
137 Commission. He commented that Barn Door Circle as well as two units were removed and the impact  
138 was reduced by 6,700 SF. He said that the Commission was concerned about pond #68 at the last  
139 meeting and they reduced the impact to the buffer from 1600 SF to 1350 SF. He went on to note that  
140 they changed from the Jellyfish filter to a CBS unit, which eliminated the swale in that area and now they  
141 have a small pond #63. He added that rain garden #62 has been eliminated as well. D Lievens made a  
142 motion to approve the Conditional Use Permit with conditions that there will be no phosphorus used in  
143 the fertilizer applications and the salt truck operators will be certified as presented on plan dated  
144 October 6, 2020. M Byerly seconded the motion. The motion passed, 6-0-0, by a roll call vote.

145 **Commission candidates:** The Commissioners interviewed two candidates, Rachel Behrens and George  
146 Hermann. Rachel Behrens told the Commission that she is an avid Musquash user, has participated in  
147 Beautify Londonderry and is interested in the butterfly garden. She asked if the Commission was about  
148 fixing up trails and commenting on plans. M Badois replied that it was all of the above and asked if she  
149 was sent the job description. R Behrens replied that she had not. M Byerly asked if the candidates were  
150 aware of the time commitment reviewing the length of meetings and work done outside of meetings. R  
151 Behrens said that she has no problem with the time commitment. George Hermann told the  
152 Commission that he was on the Commission when it first started. He said that he is retired and would  
153 like to get back involved in the community. He added that he frequents the Musquash and Kendall Pond.  
154 He mentioned that he used to do monitoring when he was on the Commission. M Speltz asked what  
155 positions the Commission is filling. M Badois replied that they are looking to fill one position, but are still



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156 figuring out if it would be an alternate or full-time member. M Speltz asked the candidates if they were  
157 interested in full time versus an alternate position. R Behrens said she is interested in any position.

158 M Badois asked if the alternates would like to move to full time. S Malouin expressed her concern that  
159 she does not want to go to an in-person Town Council meeting to be interviewed for the full-time  
160 position. She said that if she does not need to go in-person, she is interested in the full-time position. M  
161 Badois replied that she did not think S Malouin would need to go as the Commission would write a letter  
162 of recommendation. D Paul commented that S Malouin could write a letter for the Town Council to be  
163 read and shared at the meeting. S Malouin thanked her for sharing this and told M Badois that she  
164 would write a letter for the Town Council. J Demas told the Commission that she cannot commit to a  
165 full-time member right now and would like to stay an alternate. M Speltz made a motion to recommend  
166 that S Malouin be appointed to a full-time member and G Hermann be appointed to the alternate  
167 position as he has previous experience. G Harrington seconded the motion. The motion passed, 6-0-1,  
168 with S Malouin abstaining.

169 **Unfinished Business**

170 **Faucher bridge:** M Byerly told the Commission that five or six volunteers helped to fix it with shims  
171 under the corners that were sunk.

172 **Water Resource:** A Kizak told the Commission that Town Planner Mailloux received some input from  
173 some departments and awaiting input from others. She noted that the Town is currently working on a  
174 default budget and they are anticipating the same for next year. She went on noting that Town Planner  
175 Mailloux is looking to put together a list of projects from the table that M Speltz compiled that could be  
176 accomplished within the current budget and staffing. She added that Town Planner Mailloux will present  
177 this to the Town Council at one of their November meetings. She said that they will notify the  
178 Commission when they know the exact meeting date in November. M Badois asked about the other  
179 water study. A Kizak replied that Steve Cotton, Administrative Coordinator, is heading that study and she  
180 would reach out and get back to the Commission at the next meeting. M Speltz asked if A Kizak was  
181 familiar with the NHDES Source Water Protection Program for grants up to \$20,000. A Kizak responded  
182 that they did look into this, but none of the projects qualified.

183 **Monitoring:** M Badois informed the Commission that the Merrill property has been monitored. She said  
184 that they are planning to monitor the Plummer property on October 24, 2020. D Lievens said that  
185 Rockingham Conservation (RCCD) is going to be \$650.00 to monitor Ingersoll and was not sure if the  
186 Commission would get the \$400.00 reimbursement from this given the pandemic. A Kizak told M Badois  
187 to email Kevin Smith, Town Manager and Justin Campo, Finance Director, about the RCCD and dues to  
188 be paid. A Kizak told the Commission that they received the report from South Road mitigation site #14  
189 final monitoring report from New Hampshire Department of Transportation (NHDT) today and she  
190 would send this out to the Commission.



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191 **Stream Brochure:** M Badois told the Commission that the brochures and letter are printed. She stated  
192 that it costs \$1.45 to mail these, which would put them over the budget. She asked for an increase of  
193 \$500 to cover the cost. S Malouin asked if the cost was due to it being oversized. M Badois replied that  
194 was correct. B Maxwell made a motion to authorize the chair to spend up to \$500 from the line item  
195 budget for the stream brochure mailings. D Lievens seconded the motion. The motion passed, 6-0-1,  
196 with a roll call vote. M Byerly suggested only mailing half now and then when the pandemic is over the  
197 other half.

198 **NHACC Annual Conference Nov 7:** M Badois told members to sign up for this event.

199 **New Business**

200 **Plowing:** J Demas asked if the Department of Public Works and Engineering (DPW) can plow some of  
201 the parking lots to the trailheads over the winter. M Badois said that they have refused in the past, but  
202 would reach out again.

203 **Musquash:** J Demas asked if there are volunteers to help re-blaze as there is a need. M Badois asked J  
204 Demas to give her a list of what she is looking to do and possibly tackle it this weekend. M Byerly  
205 suggested that they try and get volunteers and go out the weekend of November 14, 2020. D Paul asked  
206 for this information to put in the Times. J Demas suggested that she could go out this weekend with  
207 another volunteer to see exactly where it is needed. M Byerly said that Trailways offered to pay for the  
208 paint. He said that he thought it would take two days to cover the Musquash. M Speltz suggested the  
209 Commission might want to put up a sign letting residents know they are changing the current blazing  
210 system.

211 **Other Business**

212 **Minutes:** The Commissioners went over the public minutes of September 22, 2020. B Maxwell made a  
213 motion to approve the minutes as presented. G Harrington seconded the motion. The motion passed by  
214 a unanimous roll call vote, 6-0-1, with M Byerly abstaining.

215 The Commissioners went over the non-public minutes of September 22, 2020. B Maxwell made a  
216 motion to approve the minutes as amended. J Demas seconded the motion. The motion passed by a  
217 unanimous roll call vote, 6-0-1, with M Byerly abstaining.

218 **Adjournment:** M Byerly made a motion to adjourn the meeting at 9:48 p.m. J Demas seconded the  
219 motion. The motion passed, 7-0-0, by a unanimous roll call vote, M Badois, G Harrington, D Lievens, B  
220 Maxwell, M Byerly, J Demas and S Malouin.

221 Respectfully Submitted,  
222 Beth Morrison  
223 Recording secretary